

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MICHAEL SKEEN

PLAINTIFF

v.

No. 4:18-cv-394-DPM

PINNACLE HOTEL GROUP, INC.

DEFENDANT

ORDER

This case is tangled up at the pleading stage. Pinnacle has filed an early motion for summary judgment, arguing that it didn't employ enough folks to be covered by Title VII, with supportive reports to the Arkansas Department of Workforce Services. Pinnacle says it employed Skeen for a while, but then McCain Lodging did. Skeen responds with materials from Pinnacle's website, which say the company employs "more than 150 associates," and proposes an amended complaint asserting joint-employer and integrated-employer theories. The Court disregards the settlement-related letter from Pinnacle's lawyer.

Pinnacle's motion for summary judgment is denied without prejudice. There's enough in the record for Skeen to explore the Pinnacle/McCain relationship in discovery. The website, for example, is at odds with the wage reports; and Skeen's affidavit that his supervisor didn't change after McCain started paying wages shows a close relationship between these entities. Skeen's motion to amend is

granted. Skeen's proposed amended pleading states plausible claims against both entities. The fighting issues are best presented and resolved on a more complete record after some discovery on the employer issues.

* * *

Motion, No 12, denied without prejudice. Motion, No 21, granted.
First amended complaint due by 15 February 2019.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

5 February 2019